

REMARKS

Claims 1-19 are pending. Claims 1-7 and 17-19 have been withdrawn from consideration by the Examiner for being drawn to a non-elected invention. By this Amendment, Claim 9 is amended merely for cosmetic purposes to correct the dependency of Claim 9 as well as an antecedent basis issue in response to an objection. As such, Applicants respectfully submit that no new matter is submitted herein.

The Office Action objects to Claim 9 merely for informalities therein. Applicants have amended the claim responsive to the rejection. Withdrawal of the objection is respectfully requested.

Claims 8-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Applicants' Admitted Prior Art ("AAPA") in view of U.S. Patent No. 5,616,642 to West et al. ("West"). Applicants respectfully traverse the rejection.

Claim 8 recites a lead-free cartridge case capable of holding a bullet, the cartridge case including, among other features, a cylindrical body manufactured from a composite polymer.

As is clear from the originally filed application (see paragraphs [0002] to [0030]) and admitted by the Office Action, the AAPA does not teach or suggest cartridge cases having bodies manufactured from a composite polymer.

The Office Action attempts to cure this deficiency in the teachings of the AAPA by asserting West teaches or possibly suggests manufacturing cartridge case bodies from a composite polymer. Applicants respectfully disagree with the assertion by the Office Action for the following reasons.

Applicants respectfully point out West is discussed in paragraph [0025] of the Specification as one of the references of the AAPA. In particular, Applicants note in the cited paragraph that West discloses a bullet manufactured from a composite polymer. Applicants respectfully submit West fails to provide any teaching or suggestion of cartridge case bodies being made from a composite polymer.

The Office Action attempts to support the assertion that West teaches a cartridge case body made from a composite polymer by pointing to certain passages in West. Applicants respectfully submit the Office Actions assertion is incorrect and contrary to the specific teachings contained in West.

In particular, Applicants respectfully resubmit, as noted in the Specification, that West is directed to a frangible bullet manufactured from a composite polymer. In fact, West specifically states the bullet made in accordance with the invention is loadable in ammunition having “an ordinary brass casing” using commercially available lead-free primers. See column 1, lines 5-14 of West.

Moreover, throughout the entire disclosure, West refers to the invention as being directed to an ammunition bullet or projectile that is frangible and manufactured from a composite polymer. Nowhere in West is a cartridge case body taught or suggested as being made of a composite polymer.

The Office Action notes the claims of West recite “frangible ammunition” manufactured from a composite polymer by citing column 8, lines 15-25. The Office Action then cites column 3, lines 24-32 of West, which states that for purposes of West’s invention, the commonly used and accepted definition of “cartridge” and “ammunition” are used to interchangeably refer to a complete unit consisting of the

brass case, primer, propellant powder and bullet. Presumably, the Office Action cites these passages to support the argument that West teaches or at least tenuously suggests manufacturing the cartridge case bodies from a composite polymer. Applicants respectfully submit that one of ordinary skill in the art would not readily understand that West teaches such an invention.

In particular, Applicants respectfully note the first paragraph of West, i.e., column 1, lines 5-6 specifically states the West invention is directed to lead-free, frangible practice ammunition or bullets. Further, Applicants respectfully note independent Claim 1 of West from which all other claims depend recites, in the preamble, that the invention is directed to frangible ammunition. Frangible is commonly defined as something that is easily broken. Applicants respectfully submit that one of ordinary skill in the art would readily agree that a cartridge case body that is easily broken is extremely undesirable as the cartridge case body fragments would result in jammed components in the firing apparatus of a gun once the first round of ammunition were fired. Moreover, the entirety of West is directed to the bullet being frangible and manufactured from a composite material. See column 3, lines 65-67 of West, which states the consistency of the bullet is such that it is frangible and will break upon impact with any hard surface. Further, an exhaustive search of West failed to uncover any suggestion or teaching that the cartridge case body could be manufactured from a composite material.

Put simply, Applicants respectfully submit the Office Action misinterprets the teachings of West as West does not teach or suggest a cartridge case body being made from a composite polymer since West is directed to a frangible bullet made from a composite polymer that will easily break upon impact with a hard surface. In other

words, Applicants respectfully submit West fails to teach or suggest a cartridge case body being manufactured from a composite polymer. As such, West, which Applicants include as being one of the AAPA discussed in the Specification, fails to overcome the deficiencies of the other references that form the AAPA.

To establish *prima facie* obviousness, the applied art must teach or suggest each and every feature of a rejected claim. See M.P.E.P. §2143.03. As explained above, the AAPA and West (which Applicants describe along with the other references that form the AAPA) fails to teach or suggest each and every feature of Claim 8 since the AAPA and West fail to teach or suggest a cartridge case body being manufactured from a composite polymer. Therefore, Claim 8 is not rendered obvious in view of the AAPA and West and should be deemed allowable.

Claims 9-16 depend, directly or indirectly, from Claim 8. It is respectfully submitted that these dependent claims be deemed allowable for the same reasons Claim 8 is allowable.

As such, Applicants respectfully request withdrawal of the rejection.

Moreover, Applicants respectfully note that, as stated in the Response of July 13, 2004, Claims 1, 8, 17-19 are generic to the species and groups identified in the June 30 and September 13, 2004 Office Actions. Accordingly, upon allowance of the claims directed to the elected group, i.e., Claims 8-16, Applicants respectfully request reconsideration of the non-elected claims, i.e., Claims 1-7 and 17-19, which include all of the features of the allowed generic claim(s), pursuant to 37 C.F.R. § 1.141.

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejections, rejoinder of Claims 1-7 and 17-19, allowance of Claims 1-19, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 025651-00002**.

Respectfully submitted,



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